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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,043	10/29/2001	Dominique Coster	4004-022-30	8448

7590

10/23/2002

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EXAMINER

BOLDEN, ELIZABETH A

ART UNIT	PAPER NUMBER
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1755

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/914,043

Applicant(s)

COSTER ET AL.

Examiner

Elizabeth A. Bolden

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-34 is/are rejected.
- 7) ☒ Claim(s) 22-34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.

The disclosure is objected to because of the following informalities:

In Tables II and III it is unclear whether the Fe_2O_3 is the total iron or the Ferric iron content.

Appropriate correction is required.

Claim Objections

The claims are objected to because the lines are crowded too closely together, making reading and entry of amendments difficult. Substitute claims with lines one and one-half or double spaced on good quality paper are required. See 37 CFR 1.52(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 22 the composition comprises from 0.15 to 1.1% by weight Fe_2O_3 . It is unclear whether this range refers to the total amount of iron or just the amount of Ferric iron in the glass.

In claim 34 the glass comprises less than 1.0 % by weight of Fe_2O_3 . It is unclear whether this range refers to the total amount of iron or just the amount of Ferric iron in the glass.

The following examination is based on the range being representative of the total iron content.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 22-34 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by
Shelestak, U.S. Patent 6,313,053.

Shelestak discloses a blue soda- lime- silica glass comprising 0.40-1.0 wt% total Fe_2O_3 , 4-40 ppm CoO, 0-100 ppm Cr_2O_3 , having a redox ratio of greater than 0.356 to 0.60. See abstract of Shelestak. Shelestak further discloses that the glass comprises 0-400 ppm of V_2O_5 , 0-1.0 wt% of CeO_2 , 0-0.5 wt% of TiO_2 , and up to 38 ppm of MnO_2 . See column 11, lines 38-45

and 56-58 and column 6, lines 14-29. These ranges of coloring agents are sufficiently specific to anticipate the compositional limitations of claims 22-34. See MPEP 2131.03

Shelestak discloses that the blue glass has a luminous transmittance (LTA) of greater than 65 %, a dominant wavelength of between 485 to 492, and an excitation purity of 3 to 18 %. See abstract of Shelestak. The reference further discloses that the TSET or the Total solar energy transmission is no greater than 55 %. See column 11, lines 9-11. These property ranges are sufficiently specific to meet the property limitations of claims 22-34. See MPEP 2131.03

Shelestak discloses that these glasses are suitable for architectural and automotive glazing applications. See column 1, lines 12-15.

Additionally, examples 21-23 of Shelestak meet all the limitations of claims 22-24, 27, 30, 31, 33, and 34. Example 21 also meets all the limitations of claim 25.

Claims 22-26 and 29-34 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Higby, U.S. Patent 5,780,372.

Higby discloses a soda-lime-silica glass comprising 1-3 weight % Fe_2O_3 , 0.1-1 wt% TiO_2 , 0-500 ppm Co_3O_4 , and a reduction ration of 10-37 % where the TLA is from 10 to 70 % with a blue green tint. See abstract of Higby. These ranges of coloring agents are sufficiently specific to anticipate the compositional limitations of claims 22-26 and 29-34. See MPEP 2131.03

Higby discloses that the dominant wavelength is below 565 nm and the excitation purity is less than 22%. See column 3, lines 50-52. These property ranges are sufficiently specific to meet the property limitations of claims 22-26 and 29-34. See MPEP 2131.03

Higby discloses that these glasses are suitable for architectural and automotive glazing applications. See column 1, lines 14-17.

Furthermore example 1 of Higby meets the limitations of claims 22, 23, 26, 29, 31, and 33.

Claims 22-24, 26, 29, and 31-34 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Krumwiede, U.S. Patent 6,103,650.

Krumwiede discloses a glass with a luminous transmittance up to 60%, a dominant wavelength of between 480-510 nm, an excitation purity no higher than 20%, where the glass comprises 0.9-2.0 wt % of total iron, 0.17-0.52 wt% FeO, about 40-150 ppm CoO, about 250-800 ppm Cr₂O₃, about 0.1-1 wt % of TiO₂. See abstract of Krumwiede. The reference discloses a redox ratio of from 0.15 to 0.35. See column 7, line2-3. Krumwiede further discloses that the glass may contain 0.1-0.32 wt% V₂O₅, 0-0.5 wt% MnO₂, and 0-2 wt% CeO₂. See column 7, lines 32-39 and 49-55. These cited ranges of coloring agents are sufficiently specific to anticipate the compositional limitations of claims 22-24, 26, 29, 31-34. See MPEP 2131.03

Krumwiede further discloses that the glass has a green blue color when the dominant wavelength is from 490-505 nm. See column 6, lines 9-12. These property ranges are sufficiently specific to meet the property limitations of claims 22-24, 26, 29, and 31-34. See MPEP 2131.03

Krumwiede discloses that these glasses are used for a privacy glazing in vehicles. See column 1, lines 5-8.

Furthermore examples 1-4 of Krumwiede meet the limitations of claims 22-24, 26, 29, 31, and 33. And example 3 meets the limitations of claim 32 as well.

Conclusion

The additional references cited on the 892 have been cited as art of interest since they are cumulative to or less than the art relied upon in the rejections above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Bolden whose telephone number is 703-305-0124. The examiner can normally be reached on 8:30am to 6:00 pm with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on 703-308-3823. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

EAB
October 19, 2002


DAVID SAMPLE
PRIMARY EXAMINER